

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: March 21, 2008  
Comment Deadline: April 21, 2008  
Corps Action ID #: 200620445  
(Corps DA#: 2005-20445)

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Turnpike Authority (NCTA) describing a proposed project that will impact 1.86 acres of wetlands and 7.897 linear feet of stream, for construction of the Triangle Parkway toll facility (TIP U-4763B), from NC 540 just east of SR 1613 (Davis Drive), north of Morrisville in Wake County, to the existing NC 147 (Durham Freeway) at SR 2028 (TW Alexander Drive), southeast of Durham in Durham County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands).

**Applicant:** North Carolina Turnpike Authority  
Attn: Steven D. DeWitt, P.E.  
Chief Engineer  
1578 Mail Service Center  
Raleigh, NC 27699-1578

## Authority

When the NCTA submits a permit application following the Record of Decision for the project, the Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404(b) of the Clean Water Act (33 U.S.C. 1344).

## Background

The Triangle Parkway has been included in the long-range transportation plans of the both the Capital Area Metropolitan Planning Organization (CAMPO) and the Durham-Chapel Hill-Carrboro MPO (DCHC MPO), and in the early 2000's, North Carolina Department of Transportation (NCDOT) studies stated the importance of, and need for, the Parkway. The Parkway was identified as a potential toll facility by the NCTA, and in July 2006, an inter-agency review team was formed to review this project jointly under the National Environmental Policy Act and Section 404(b) of the Clean Water Act. In May 2007 CAMPO and DCHC MPO designated the Parkway as a tolled facility, with construction tentatively scheduled to begin in 2008, before it would be possible with

traditional NCDOT funding. In June 2007, NCTA signed a Memorandum of Understanding with CAMPO, regarding issues relating to access, and funding and financing of the Parkway. The NCTA, NCDOT, and the Federal Highway Administration issued a joint Environmental Assessment (FHWA-EA), which described the social, economic, and environmental impacts associated with this project, on February 28, 2008.

### **Location**

The Triangle Parkway is proposed to be constructed on new location, running generally south to north, from NC-540, east of Davis Drive, in northwestern Wake County, to I-40 at NC 147, in southern Durham County, North Carolina, with some work on existing NC 540, NC 147 and other secondary roads, crossing Burdens Creek, Kit Creek, and their unnamed tributaries (approximate middle of project at 35.88 ° N Latitude, -78.87 ° W Longitude).

### **Existing Site Conditions**

The general area to be impacted is a corridor running generally parallel to Davis Drive (SR 1613 in Wake County and SR 1999 in Durham County), through the Research Triangle Park business campus, and its setting varies from developed commercial areas to undeveloped wooded land. All of the areas with impacts to waters of the United States are in the Cape Fear River basin, and the Haw River sub-basin.

The wetland habitats that will be impacted by the proposed project are typical piedmont wetlands, including emergent marsh, maintained and forested palustrine wetlands, and bottomland hardwood forest. These wetlands are adjacent to Burdens Creek, Kit Creek and their tributaries that are unnamed on the USGS quadrangle maps. The impacted unnamed and named tributaries range in size from one foot wide and less than one foot deep, to more than ten feet wide and several feet deep, with most of the streams being less than three feet wide and two feet deep. Of the 7,201 linear feet of stream that will be permanently impacted, the Corps has determined, based on field review of the biological, chemical and physical attributes and functions of the streams, that 3,519 linear feet of streams are intermittent streams with only minimal aquatic function.

### **Applicant's Stated Purpose**

The stated purpose of the project is to a) improve commuter mobility, accessibility, and connectivity to the Research Triangle Park employment center; and to b) reduce congestion on the existing north-south routes that serve the Triangle Region, primarily NC 55 and NC 54. NCTA is proposing to implement the Triangle Parkway project as a tolled roadway, because tolling offers the opportunity to implement this project earlier than traditional transportation funding sources. Prior to the Triangle Parkway becoming a candidate for tolling, the project was unfunded in the NCDOT STIP funding schedule.

## **Project Description**

Maps showing the location of the project, and stream and wetland impacts, are included with this public notice. The proposed project is a new location, six-lane, fully controlled-access, toll facility with a 46-foot median. The proposed new location portion of the project will extend approximately 3.4 miles. The highway will connect to the existing interchanges at NC 540 at Davis Drive in Wake County, and at I-40 at the connection with the existing NC 157 in Durham County, and will have new interchanges at Davis Drive in Durham County (SR 1999), and at Hopson Road (SR 1978) in Durham County.

Based on preliminary traffic and revenue studies, the Triangle Parkway will have tolls collected at the Hopson Road interchange southbound exit and northbound ramps, at two of the NC 540 interchange ramps, and on the mainline of NC 540 between the Triangle Parkway and NC 55. The NCTA is studying the tolling of NC 540 as a separate project with the appropriate environmental documentation.

The proposed project includes a connector to Kit Creek Road, and the widening of northbound NC 147 from I-40 to TW Alexander Drive (1.9 miles) to accommodate an additional inside lane. The project also includes the widening of eastbound NC 540 from NC 55 to northbound Triangle Parkway (1.3 miles), and the addition of a third lane to the flyover from eastbound NC 540 to northbound Triangle Parkway. However, the NC 540 widening and flyover will not be included in the initial construction of Triangle Parkway, but will be constructed when traffic volumes warrant the work, estimated now to be by 2024, before the design year for the Triangle Parkway.

The project will involve impacts to 1.86 acres of wetlands and 7.897 linear feet of stream. The stream impacts include 696 linear feet of temporary impacts, and the wetland impacts include 0.06 acre of mechanized clearing and 0.06 acre of temporary fill.

NCDOT is proposing to use the North Carolina Ecosystem Enhancement Program (EEP) to provide the necessary compensatory mitigation for the unavoidable, permanent losses of 3.682 linear feet of stream with more than minimal function, and 1.80 acres of wetlands.

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404(b)(1) compliance determination, the Corps of Engineers is soliciting public comment on the merits of this proposal. The District Commander is not authorizing construction of the Triangle Parkway at this time. A final Department of the Army permit could be issued, if at all, only after the NCTA submits a formal application. our review process is complete, impacts to the aquatic environment have been minimized to the maximum extent practicable, and the compensatory mitigation plan has been approved.

Design plans, the FHWA-EA, and information about the North Carolina Ecosystem Enhancement Program are available for review at the U.S. Army Corps of Engineers, Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587 (Call ahead to arrange a time for review at (919) 554-4884, ext. 23).

### **Other Required Authorizations**

This notice is being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Transportation Permitting Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Mr. Brian Wrenn by April 14, 2008.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

### **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

### **Evaluation**

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline

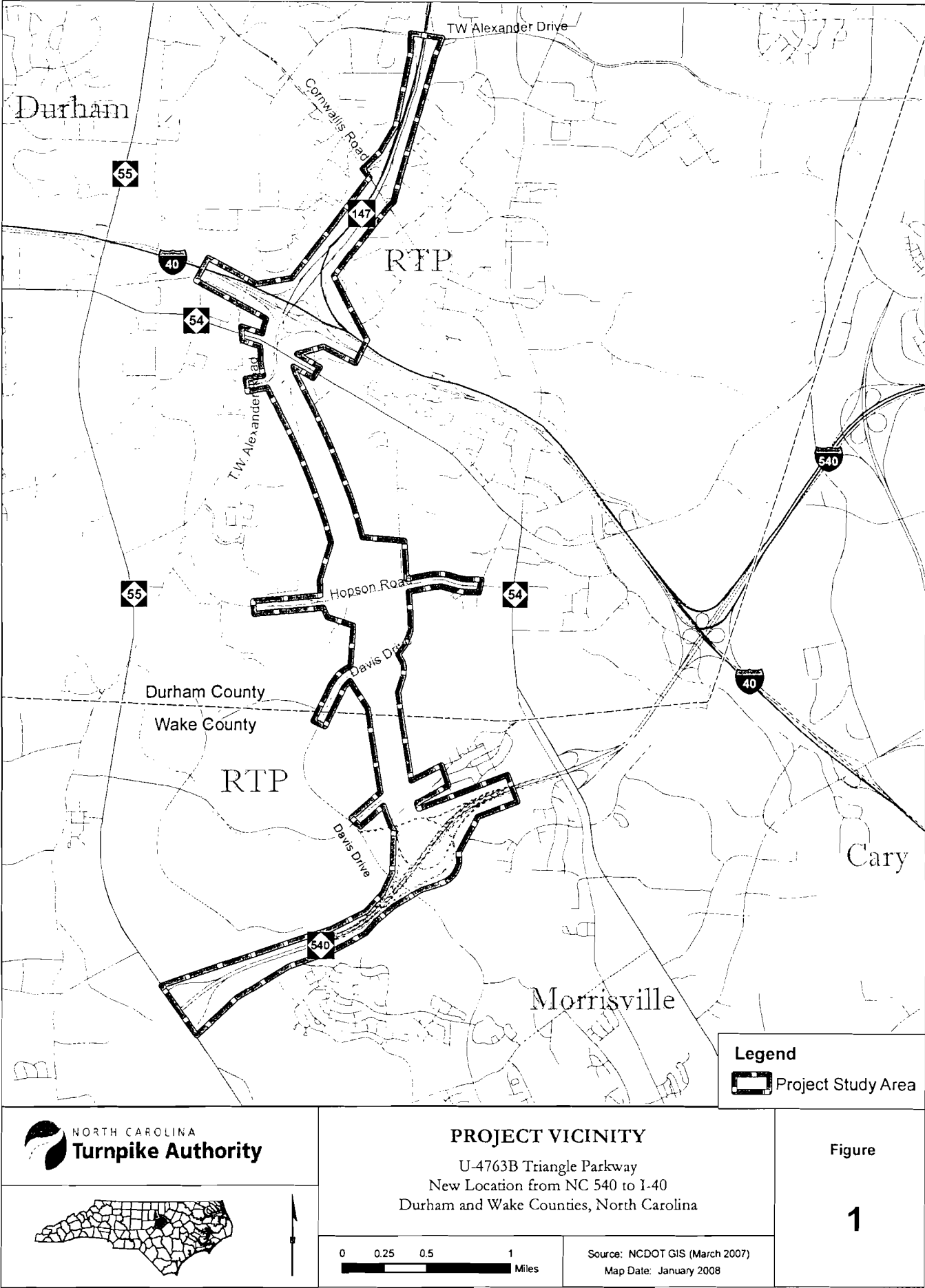
erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

### **Commenting Information**

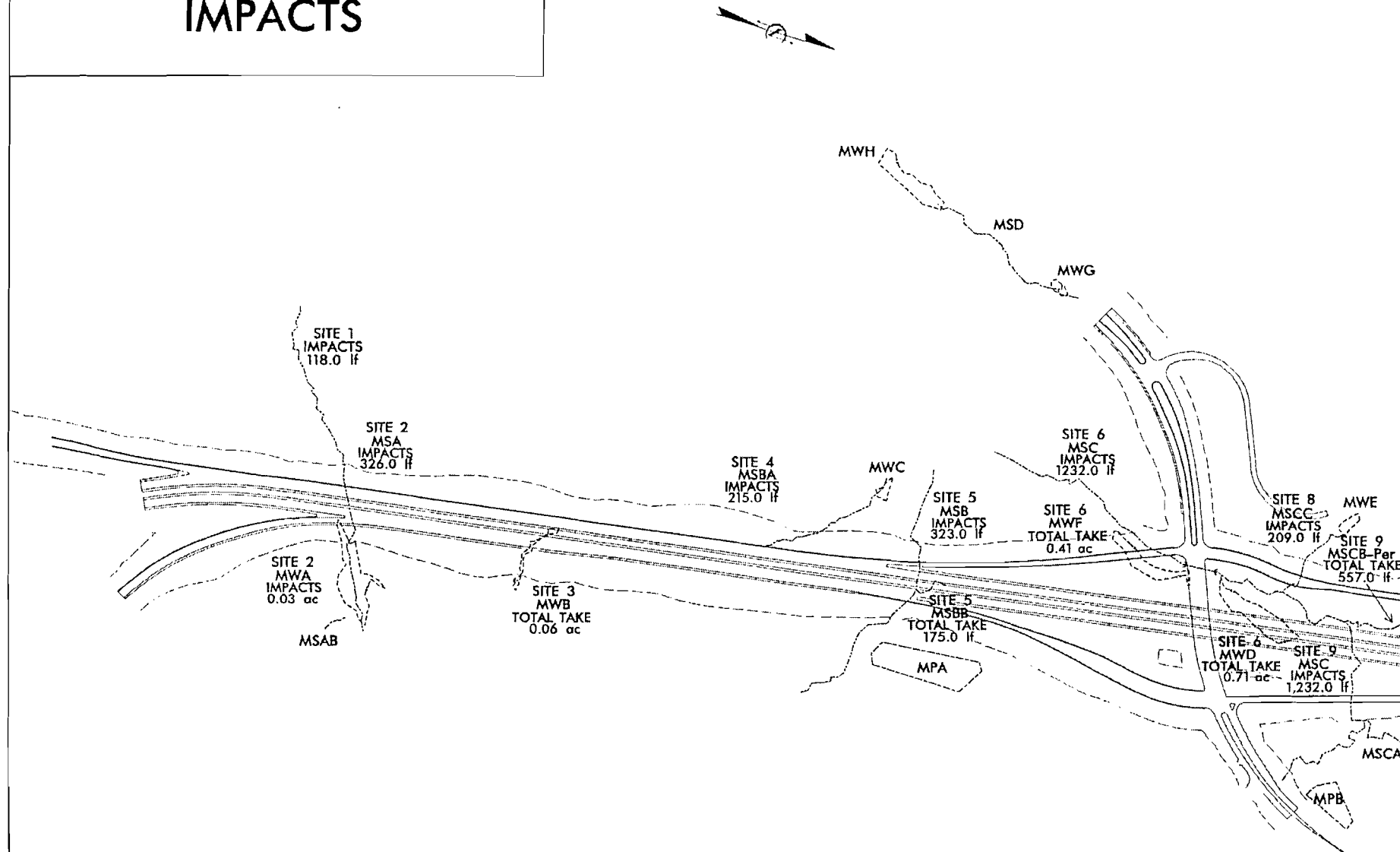
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, April 21, 2008. Comments should be submitted to Eric Alsmeyer, Wilmington District, Corps of Engineers, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, Telephone (919) 554-4884, ext. 23.

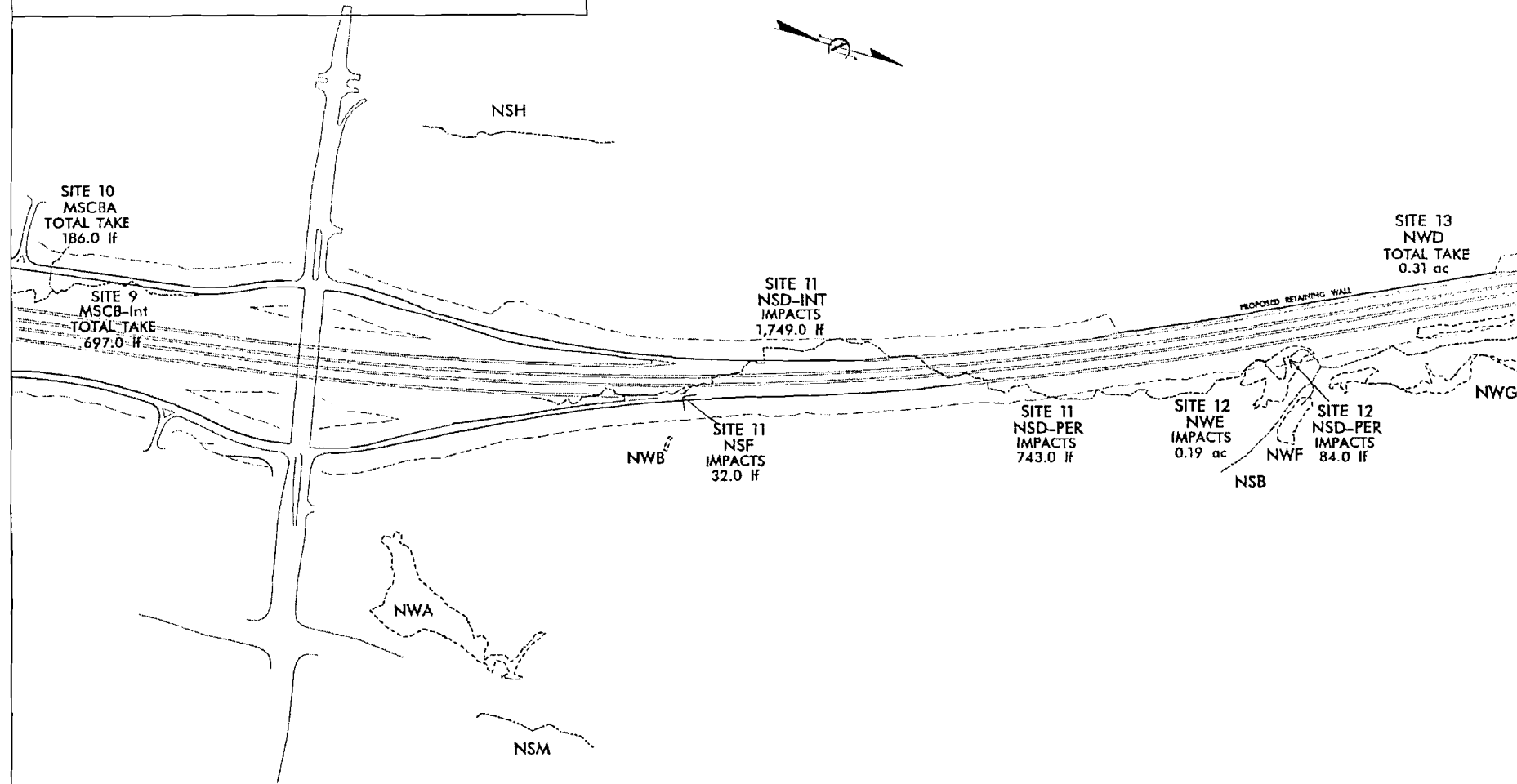


# NATURAL RESOURCE IMPACTS



SCALE:  
1" = 600'

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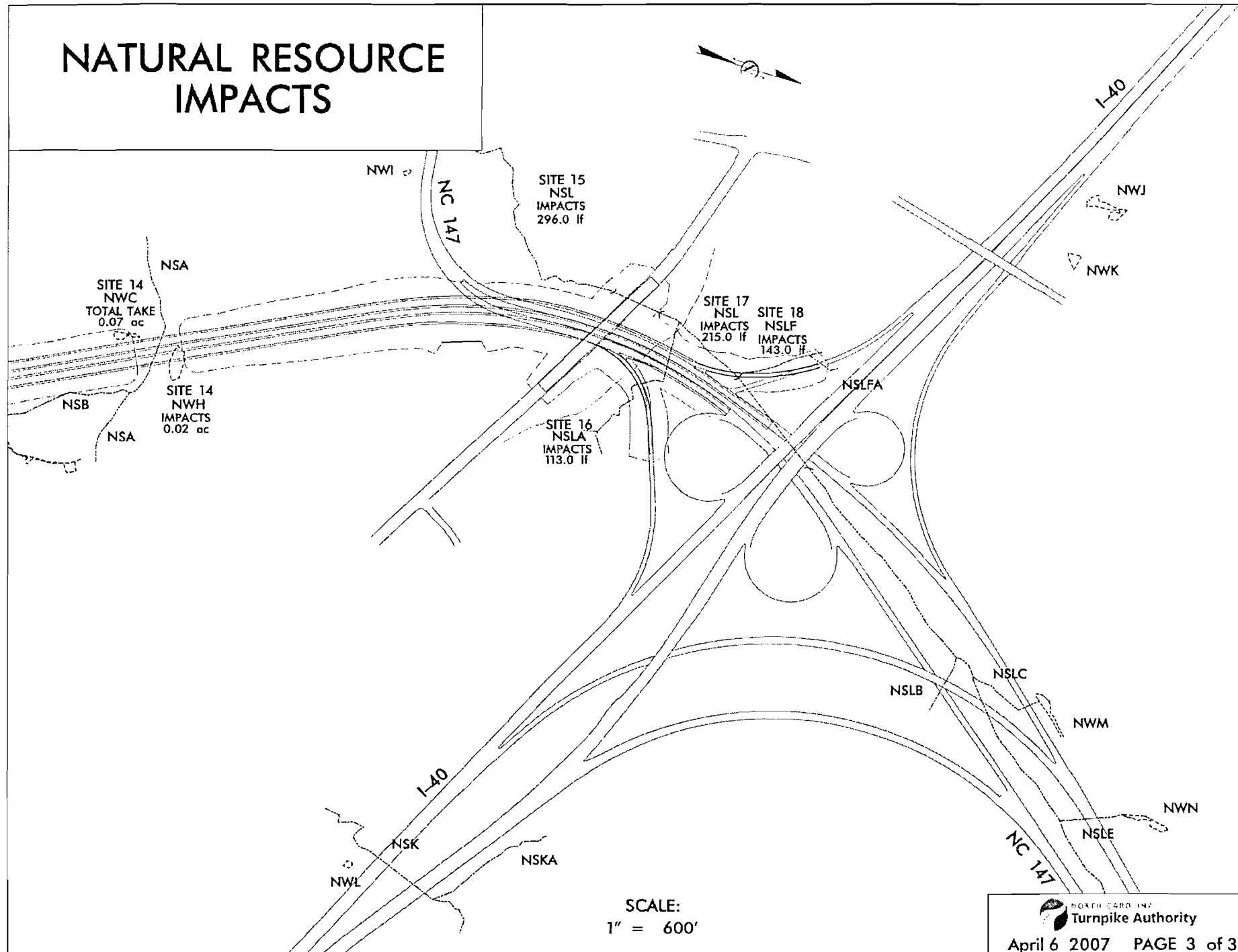


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